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CHERNOFF, VILHAUER, MCCLUNG & STENZEL
1600 ODS TOWER
601 S W SECOND AVENUE
PORTLAND, OR 97204

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OFFICE OF PETITIONS

In re Application of :
Jagtar Singh Saroya :
Application No. 09/773,396 :
Filed: January 31, 2001 :
Attorney Docket No. KLR 7146.084 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 6, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed December 16, 2003, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 17, 2004.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, the request for extension of time submitted with the petition on July 6, 2004 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will not be charged to petitioner's deposit account.

Receipt is acknowledged of the Amendment filed July 6, 2004, with the instant petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-5594.

The application file is being forwarded to Technology Center 2800, Art Unit 2872 for processing the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Retta Williams
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy